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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,560	08/26/2003	Donald B. Richardson JR.	XP-1051	5530

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AGFA CORPORATION
LAW & PATENT DEPARTMENT
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EXAMINER

MORRISON, THOMAS A

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,560

Applicant(s)

RICHARDSON ET AL.

Examiner

Thomas A. Morrison

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MW

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>08/26/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 6-8, 10 and 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 6, this claim fails to provide a sufficient structural relationship between the pivot frame, the stack of plates and the slip sheet to understand how the claimed function can be performed. How does the frame pivot upward in response to engagement with a stack of plates including a slip sheet to thereby urge the foot into engagement with the slip sheet as claimed?

Claim 7 recites the limitation "the pivot frame" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Also, claim 8 recites the limitation "the substrate" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 10, it is unclear whether the foot is the same as the foot claimed in claim 9 or a different foot.

Regarding claim 14 and its dependent claims 15-16, it is unclear as to the relationship between the slip sheet and the stack of substrates. Is the slip sheet connected to any substrate in the stack of substrates?

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 9-12 and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Larsen et al. In particular, Larsen et al. discloses all of the limitations of claims 1-4, 9-12 and 14-16.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Figs. 5-13 show a slip sheet capture mechanism (100), the slip sheet capture mechanism (100) including

a foot (126, 124) for holding a portion of the slip sheet (28), and
a nip roller (160) for engaging and drawing the slip sheet (28) in the direction of the foot (126, 124) and into a nip (between 160 and 162).

Regarding claim 2, Figs. 5-13 show that the foot (126, 124) includes a foot frame (126); and

a friction pad (124) on the foot frame (126) for engaging the slip sheet (28).

Regarding claim 3, Fig. 13 shows that the nip roller (160) draws the slip sheet (28) into the nip (between 160 and 162) by rotating in the direction of the foot (126, 124) a predetermined amount.

Regarding claim 4, Figs. 5-13 show that the slip sheet capture mechanism (100) further includes a follower roller (162) for cooperating with the nip roller (160) to hold the slip sheet (28).

Regarding claim 9, Figs. 11-13 disclose a method for capturing a slip sheet (28), the method including

holding a portion of the slip sheet (28) with a foot (126, 124); and
engaging and drawing the slip sheet (28) in the direction of the foot (126, 124) and into a nip (between 160 and 162).

Regarding claim 10, Fig. 11 discloses that the step of holding the portion of the slip sheet (28) includes urging a foot (124) against the slip sheet (28).

Regarding claim 11, Fig. 13 and paragraph [0042] disclose that the step of engaging and drawing the slip sheet (28) includes urging a nip roller (160) into engagement with the slip sheet (28) and then rotating the nip roller (160) in the direction of the foot (126, 124).

Regarding claim 12, Fig. 13 shows that the step of engaging and drawing the slip sheet (28) further includes drawing the slip sheet (28) into a nip formed between the nip roller (160) and a follower roller (162).

Regarding claim 14, Fig. 13 and paragraph [0042] disclose that after the slip sheet (28) is drawn into the nip (between 160 and 162), the slip sheet (28) is extracted from a stack of substrates (20).

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Regarding claim 15, Figs. 7-13 show that the step of extracting the slip sheet (28) is performed in concert with an extraction of a substrate (18) from the stack of substrates (20).

Regarding claim 16, Fig. 13 shows that the method further includes expelling the slip sheet (28) from the nip (between 160 and 162) after extraction from the stack of substrates (20). In particular, the slip sheet appears to be expelled into a bin 164.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 9-11, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Publication No. 59-102733. In particular, Japanese Publication No. 59-102733 discloses all of the limitations of claims 1-3, 9-11, 14 and 16.

Regarding claim 1, Figs. 1 and 2 show a slip sheet capture mechanism (1), the slip sheet capture mechanism (1) including
a foot (3, 4) for holding a portion of the slip sheet (7), and
a nip roller (12) for engaging and drawing the slip sheet (7) in the direction of the foot (3, 4) and into a nip (between 17 and 17).

Regarding claim 2, Figs. 1 and 2 show that the foot (3, 4) includes
a foot frame (3); and

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a friction pad (4) on the foot frame (3) for engaging the slip sheet (7).

Regarding claim 3, Figs. 1 and 2 show that the nip roller (12) draws the slip sheet (7) into the nip (between 17 and 17) by rotating in the direction of the foot (3, 4) a predetermined amount.

Regarding claim 9, Figs. 1 and 2 show a method for capturing a slip sheet (7), the method including

holding a portion of the slip sheet (7) with a foot (3, 4); and

engaging and drawing the slip sheet (7) in the direction of the foot (3, 4) and into a nip (between 17 and 17).

Regarding claim 10, Fig. 1 shows that the step of holding the portion of the slip sheet (7) includes urging a foot (3, 4) against the slip sheet (7).

Regarding claim 11, Figs. 1 and 2 show that the step of engaging and drawing the slip sheet (7) includes urging a nip roller (12) into engagement with the slip sheet (7) and then rotating the nip roller (12) in the direction of the foot (3, 4).

Regarding claim 14, Figs. 1 and 2 show that after the slip sheet (7) is drawn into the nip (between 17 and 17), the slip sheet (7) is extracted from a stack of substrates (7).

Regarding claim 16, Fig. 2 shows that the method further includes expelling the slip sheet (7) from the nip (between 17 and 17) after extraction from the stack of substrates (7). In particular, the slip sheet 7 appears to be expelled in a direction to the left of the nip between 17 and 17.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Publication No. 59-102733 as applied to claims 1 and 9 above, and further in view of Japanese Publication No. 56-108641. Japanese Publication No. 59-102733 discloses all of the limitations of claims 5 and 13, except for a slip sheet sensor and detecting a presence of a slip sheet, as claimed.

Japanese Publication No. 56-108641 discloses that it is well known to use conductive rollers 1 and 2 that nip paper sheets or the like (e.g., slip sheets) and are connected to a discrimination part 5 to detect the presence or absence of the sheets. It would have been obvious to one of ordinary skill in the art to replace the nip (17, 17) of Japanese Publication No. 59-102733 with conductive rollers connected to a discrimination part, to detect the presence or absence of slip sheets, as taught by Japanese Publication No. 56-108641.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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U.S. Patent No. 4,482,144 (Glassby), U.S. Patent No. 5,180,155 (Asai), U.S. Patent No. 6,488,277 (Herrman), U.S. Patent No. 3,645,527 (Gates) and European Publication No. 2176465 disclose sheet capture mechanisms with feet and nip rollers;

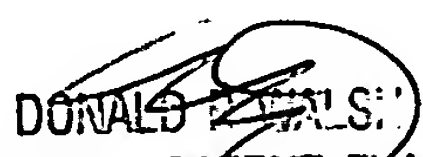
U.S. Patent No. 5,303,910 (McGill et al.) discloses a sheet capture mechanism with a nip roller and a follower roller; and

Japanese Publication No. 57-141334 discloses a sheet detector.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is 703-305-0554. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 703-306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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